MEDIA
12711 Ventura Boulevard, Suite 280, Studio City, California 91604 Tel: 818/508-2080 Fax: 818/508-2088

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April 7, 1997

Office of the Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

RE: CS Docket No. 97-55

Enclosed please find nine (9) hard copies and a disk containing Mediascope's response to the Industry Proposal for Rating Video Programming. Four of these copies are in support of our formal comments and the remaining copies are for circulation to the Commissioners.

The disk is formatted in Microsoft Word for Windows 6.0.

Sincerely,

Marcy Kelly

Marcy Kelly
President

Before the

**FEDERAL COMMUNICATIONS COMMISSION**
**Washington, DC 20554**

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| In the Matter of | ) | |
| | ) | |
| Industry Proposal for Rating | ) | |
| Video Programming | ) | CS Docket No. 97-55 |
| | ) | |

COMMENTS OF

**Mediascope**
**12711 Ventura Blvd.**
**Suite 280**
**Studio City, CA 91604**
**(818) 508-2080**

Mediascope, an internationally recognized nonprofit, nonpartisan media policy and research organization, files this statement on April 8, 1997, in response to the FCC's request for comment on the Industry Proposal for Rating Video Programming.

Mediascope has been tracking the effectiveness of rating systems around the world since 1992. In June, 1996, Mediascope published a comprehensive analysis of media ratings, the only study of its kind. Titled *Media Ratings: Design, Use and Consequences*, the book offers an extensive review of ratings for film, television, music, the Internet, and video games in 31 countries. It has been influential in shaping public discussion and raising awareness about ratings and their effects, including their political, social and economic impacts. Additionally, Mediascope published Volume One of the National Television Violence Study in 1996, which concluded that age-based ratings can adversely affect children's program choices.

In March 1997, Volume Two of this cable television-supported study was released. It included a study of eight different rating and advisory systems, including the codes used by premium cable television channels, the ratings used for computer games, the newly devised Canadian television ratings and the Motion Picture Association of America (MPAA) rating system. According to the study, "The only rating system that increased children's eagerness to see programs was the MPAA ratings."

Based on years of scientific research and public opinion polls, our review of the "TV Parental Guidelines," submitted by the television industry, concludes that the proposed rating system meets neither the spirit of the legislation nor the specific requirements set forth by Congress in the Telecommunications Act of 1996. Further, we find that the TV Parental Guidelines ignore the needs and requests of parents and other consumers, the very audience for which they were supposed to have been designed. They fail to provide the specific information necessary to make informed judgments on objectionable program content. Instead they provide information in only broad, vague categories, which are not helpful in determining which programs may have objectionable content.

The TV Parental Guidelines are based on the film rating system of the MPAA, which independent research shows is flawed, and which has been widely criticized by advocacy groups and researchers. These groups maintain, and our research indicates, that the MPAA aged-based system fails to do precisely what Congress has mandated for television: to provide parents "with timely information about the nature of upcoming video programming ... that allows them easily to block violent, sexual, or other programming that they believe harmful to their children."

The book *Media Ratings: Design, Use and Consequences,* which was provided to all members of the TV Parental Guidelines Implementation Committee, describes two essential types of rating systems for media: *EVALUATIVE* or *AGE-BASED,* which is employed for motion pictures and now proposed for television, and *DESCRIPTIVE* or *CONTENT-BASED,* which provides information about product content without making audience and value judgments.

Independent research reveals that a content-based system provides consumers with specific information needed to make viewing decisions while at the same time providing a system that best preserves First Amendment rights. Perhaps more important, this rating form does not inspire a magnet or "forbidden fruit" effect on children.

One option for presenting content-based information to consumers can be found in a system, developed by the Recreational Software Advisory Council (RSAC), now in effect for computer games and the Internet. This involves using the letters V, S and L to represent violent, sexual and language content, the topics of most concern to parents. An additional category of M to represent mature or adult thematic content could be retained from the proposed TV Parental Guidelines. The use of these symbolic letters is enhanced with the addition of a numerical level representing the intensity of the content. In the case of computer games, the levels are visually depicted with the use of a thermometer. Using this system, one television show might be labeled V-2, S-1, L-4; another V-3, L-1, and still another M-4, S-3.

In contrast, the age-based system for rating film and now television in the U.S. is based on personal judgments about the instances and uses of violence, sex and other social issues. According to Mediascope research, this process has several disadvantages. Of particular concern is that age-based ratings run a greater risk of having the opposite effect than the one for which

they are intended. They often entice the very audiences the ratings process is trying to protect. Research shows that age related ratings such as G, PG, PG-13, and R have boomerang/backlash effects, attracting the young audiences that they were meant to deter. Age-based ratings are also less reliable as a source of information, and are often inconsistent across issues of sex, violence and language.

For example, a TV-PG rating makes a judgment about whether a television show is appropriate for younger audiences, but makes no assertions as to why parental guidance may be necessary. Some parents may be more concerned about depictions of violence than sexuality. Some may simply wish to shield their children from strong language. Other parents may feel that their eight-year-old child is not ready to handle program content that a more mature six-year-old may be psychologically ready to deal with. Thus, the blanket TV-PG rating really provides no help to a parent. Content-based ratings, on the other hand, would provide objective, factual information and allow consumers to make choices appropriate to their personal value systems.

Researchers are not alone in their conviction that a content-based system will better serve the needs of parents. The results of a national survey sponsored by the Parent Teacher Association (PTA) and conducted by Dr. Joanne Cantor of the University of Wisconsin, Madison, show that parents overwhelmingly prefer a rating system that identifies program content (80%) rather than the age group for which it is intended (20%). Eighty percent (80%) of the parents surveyed also want separate ratings for sex, violence and language content, not a single summary rating for a show. These findings correspond with those reported by a U.S. News & World Report national survey conducted in 1996. Overall, 62% of their sample favored a content-based system and 27% favored an age-based system, a greater than two-to-one preference.

Similarly, a Media Studies Center/Roper Center survey found that the majority of Americans (73%) support a television rating system based on program content, versus a smaller group (15%) that supports an age-based system. In fact, 79% of those respondents with children in the household said they preferred content-based ratings.

A nationwide poll of parents with children aged 2 through 17, conducted by *The New York Times* in February 1997, revealed similar results. Sixty-two percent (62%) of respondents reported that they had not used the age-based rating system in selecting what their family watched on television. Sixty-nine percent (69%) felt that television programs should receive two ratings--one for how much violence they contained and one for their sexual content.

These findings have been echoed by numerous educational, parental, and children's advocacy groups, as well as medical experts, religious organizations and media critics. The nearly unanimous harsh public criticism in response to the proposed TV Parental Guidelines designed by the television community is a strong indication that parents will not find this system useful.

Mediascope has hosted several forum discussions for the entertainment community on issues relating to the V-chip and ratings. On September 10, 1996, Mediascope sponsored a meeting on the topic of the V-chip and Television Ratings for the Los Angeles creative community in conjunction with the Directors Guild of America, the Producers Guild of America, the Caucus for Producers, Writers and Directors and the Beverly Hills Bar Association. Many in attendance made clear their concern about the possible wholesale conversion of their work into simple numbers or letters that will be "programmable" into a V-chip. The need for a system that can distinguish between glamorized and gratuitous violence and responsible violence was also raised.

A coding system used in Australia provides a model rating system that may be useful in providing a way to denote responsible depictions of violence, sexual content and adult language. Australia utilizes four rating codes: S (sex), V (violence), L (language), and O (other). In addition, they provide three subcategories for each of these ratings: Frequency, which can be labeled I (Infrequent) and F (Frequent); Explicitness/Intensity, which can be labeled low, medium and high, and Purpose, which is either justified or gratuitous. An example of how this might be used is reflected in the following chart:

| | **Frequency** | | **Explicitness/ Intensity** | | | **Purpose** | |
|---|---|---|---|---|---|---|---|
| | Infrequent | Frequent | Low | Medium | High | Justified | Gratuitous |
| **S (sex)** | X | | X | | | X | |
| **V (violence)** | | | | X | | | X |
| **L (language)** | | X | X | | | X | |
| **O (other)** | X | | | | | | |

Another model of a content-based rating system, invented by Tim Collings of Canada, provides a simple alternative to the industry-proposed system. The system utilizes four rating codes: S (sexuality), V (violence), L (language), and C (Audience Category--age-based). The four categories have corresponding intensity levels (0-5). A rating of V-2, for instance, would indicate mild violence, while V-5 would indicate gory violence, as illustrated in the following chart:

| **ViewLevel** | **C** | **V (violence)** | **L (language)** | **S (sexuality)** |
|---|---|---|---|---|
| 0 | E | none | none | none |
| 1 | G | comedic | mild | mature themes |
| 2 | PG | mild | strong | suggestive scenes |
| 3 | A | strong | coarse | brief nudity |
| 4 | R | graphic | vulgar | full nudity |
| 5 | | gory | foul | sexual activity |

The U.S. cable industry also utilizes a content code to inform viewers about programs that may be unsuitable for children. This content advisory system, in effect on several premium networks since 1994, includes the following descriptive codes:

| | |
|---|---|
| **MV**, for Mild Violence | **GL**, for Graphic Language |
| **V**, for Violence | **BN**, for Brief Nudity |
| **GV**, for Graphic Violence | **N**, for Nudity. |
| **RP**, for Rape | **AC**, for Adult Content |
| **AL**, for Adult Language | **SC**, for Strong Sexual Content |

**Conclusion:**

**Inherent in the industry-proposed rating system is a flawed design which makes decisions for America's families by providing judgmental, age-based ratings that may in fact cause more harm than help. In contrast, providing information about the content in programming would allow parents to make choices appropriate to their values and to their child's particular character and stage of development and would be more sensitive to First Amendment rights.**

Submitted by:

Mediascope
12711 Ventura Blvd.
Suite 280
Studio City, CA 91604
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